



## U.S. Department of Justice

United States Attorney  
Southern District of New York

**MEMO ENDORSED**

86 Chambers Street  
New York, New York 10007

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Via ECF

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Martinez v. United States of America et al.*, 20 Civ. 7275 (VEC)

Dear Judge Caproni:

This Office represents the United States of America, along with individual defendants Robert Beaudouin, M.D.; Mandeep Singh, P.A.; and Yoon Kang, P.A. (the “Federal Defendants”) in the above-referenced action brought by Plaintiff Richard Martinez (“Plaintiff”). The other remaining defendants in this matter are The GEO Group, Inc., The Brooklyn Hospital Center, and Phillip McPherson, M.D. Jointly with all parties, we write respectfully to request a stay of expert discovery after the production of all expert reports so that the parties can engage in settlement negotiations. Additionally, the Federal Defendants respectfully request permission to serve their oncology expert report on August 16, 2021, instead of August 13, 2021, and The Brooklyn Hospital Center and Phillip McPherson, M.D., respectfully request permission to serve their urology expert report during the week of August 16, 2021.

At this time, Plaintiff and The Geo Group, Inc. have served all of their expert reports. In accordance with the schedule previously set by the Court, on August 11, 2021, the Federal Defendants served all reports except for their oncology expert’s report, and The Brooklyn Hospital Center and Dr. McPherson served all of their expert reports except for their urology expert’s report. The Federal Defendants respectfully request permission to serve their oncology expert’s report on August 16, 2021, instead of August 13, 2021, due to the expert’s difficulty in accessing certain medical imaging files. Additionally, The Brooklyn Hospital Center and Phillip McPherson, M.D., respectfully request permission to serve their urology expert report during the week of August 16, 2021, in lieu of the original due date of August 11, 2021. All parties consent to these requests.

Currently, expert discovery ends on September 10, 2021. The only tasks that remain for completing expert discovery once the above-mentioned reports are produced would be for the parties to conduct expert depositions. However, the parties believe that now is a productive juncture for settlement negotiations and wish to engage in settlement talks before incurring substantial expenses associated with expert depositions, particularly given the numerous parties and experts involved in this case. Accordingly, the parties respectfully request that discovery be

stayed for the purpose of settlement negotiations. The parties further request referral to the magistrate judge assigned to this matter for scheduling of a settlement conference.

This is the parties' first request for a stay of expert discovery. The parties previously obtained two extensions of the discovery schedule in this matter. Additionally, the Court previously adjourned sine die the Pretrial Conference that was scheduled for June 11, 2021, pending the Court's decision on the Federal Defendants' outstanding motion to dismiss.

Thank you for your consideration of this matter.

Respectfully submitted,

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United States Attorney

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Encl.

cc: Counsel of record (via ECF)

Application GRANTED. The deadline for all Defendants to serve any remaining expert reports is extended to **August 20, 2021**. The expert discovery deadline is STAYED, pending the parties' participation in a settlement conference before the Magistrate Judge. By separate order, the Court has referred the parties to the Magistrate Judge for a settlement conference. Not later than one week after the conclusion of the settlement conference, the parties must file a joint letter updating the Court on the status of this case. Defendants are also reminded to heed this Court's Individual Practices, which require that requests for extension be filed at least 48 hours in advance of the original deadline.

SO ORDERED.

  
8/16/2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE